

EL

Notice of Allowability	Application No.	Applicant(s)	
	10/613,999	YAMAMOTO ET AL.	
	Examiner	Art Unit	
	Omar Rojas	2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on December 21, 2006.
2. ☒ The allowed claim(s) is/are 1,2,4-9,11-16,18-23,25-29 and 31-38.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none">1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>09/11/2006</u>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none">5. <input type="checkbox"/> Notice of Informal Patent Application6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20070127</u>.7. <input type="checkbox"/> Examiner's Amendment/Comment8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance9. <input checked="" type="checkbox"/> Other <u>See Continuation Sheet</u>. |
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Continuation of Attachment(s) 9. Other: e-mail from Brian Seidleck dated 1/24/07.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The publication titled "New dispersion compensating module for compensation of dispersion and dispersion slope of non-zero dispersion fibres in the C-band" to Quang Le N.T. et al. is hereby made of record. The disclosure of the N.T. et al. publication is very close to at least claim 8. For example, the N.T. et al. publication discloses a dispersion compensating module ("DCM") having an accumulated chromatic dispersion of -452 ps/nm at 1550 nm and an insertion loss of less than 3.9 dB. The N.T. et al. article does not, however, explicitly disclose a housing volume of 310 cm^3 or less as recited by claim 8 nor does it disclose the housing volume(s) recited by the other independent claims.

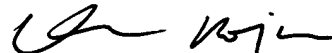
During two telephonic interviews with applicant's attorney, Mr. Seidleck, on 1/16/07 and 1/24/07, the examiner expressed his concern that the N.T. et al. publication might inherently meet the housing volume limitation recited by claim 8. Mr. Seidleck informed the examiner that the applicant(s) had calculated the volume of the DCM described in the N.T. et al. publication as being 855 cm^3 . In allowing the claims, the examiner has relied upon applicant's assertion that the volume of the DCM disclosed by the N.T. et al. publication is at least 855 cm^3 . Thus, it would be physically impossible for the DCM disclosed by the N.T. et al. publication to be accommodated within a housing having a volume of only 310 cm^3 as recited by claim 8, while maintaining the same accumulated dispersion and insertion loss values. For similar reasons, it would not be possible for the DCM disclosed by the N.T. et al. publication to meet all of the specified limitations of the other independent claims absent applicant's own teachings.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Rojas whose telephone number is (571) 272-2357. The examiner can normally be reached on Monday-Friday (11:00AM-7:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Omar Rojas
Patent Examiner
Art Unit 2874

or
January 27, 2007


Rodney Bovernick
Supervisory Patent Examiner
Technology Center 2800